

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 225D.2 and 225C.6, the Department of Human Services hereby gives Notice of Intended Action to amend Chapter 22, “Autism Support Program,” and Chapter 24, “Accreditation of Providers of Services to Persons with Mental Illness, Intellectual Disabilities, or Developmental Disabilities,” Iowa Administrative Code.

These proposed amendments bring the definition of “eligible individual” into alignment with legislative changes made to Iowa Code chapter 225D in 2016. The Department discovered that this change of definition had been inadvertently left out of previously adopted amendments to Chapter 22.

These amendments add new staff qualification options for crisis service providers. This change will increase the ability of providers to hire staff to provide some crisis response services. Providers are challenged to provide staffing for crisis response services. Providers, advocates, and the Mental Health and Disability Services (MHDS) Commission requested the Department review the staff qualifications to provide crisis response services. Stakeholders felt that there was a level of staff that may be well-qualified to provide some of the crisis response services but did not meet the qualifications in accordance with administrative rules.

Any interested person may make written comments on the proposed amendments on or before April 7, 2017. Comments should be directed to Harry Rossander, Bureau of Policy Coordination, Department of Human Services, Hoover State Office Building, Fifth Floor, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by e-mail to policyanalysis@dhs.state.ia.us.

These amendments do not provide for waivers in specified situations because requests for the waiver of any rule may be submitted under the Department’s general rule on exceptions at 441—1.8(17A,217).

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 225D.2 and 225C.6.

The following amendments are proposed.

ITEM 1. Amend rule **441—22.1(225D)**, definition of “Eligible individual,” as follows:

“*Eligible individual*” means a child less than ~~nine~~ 14 years of age who has been diagnosed with autism based on a diagnostic assessment of autism, is not otherwise eligible for coverage for applied behavioral analysis treatment under the medical assistance program, Iowa Code section 514C.28, or private insurance coverage, and whose household income does not exceed ~~400~~ 500 percent of the federal poverty level.

ITEM 2. Rescind rule 441—24.23(225C) and adopt the following new rule in lieu thereof:

441—24.23(225C) Standards for organizational activities.

24.23(1) The organization shall meet the standards in subrules 24.3(1) through 24.3(5).

24.23(2) The organization shall describe the staffing structure that details how staff are utilized to provide the specific crisis stabilization services in rules 441—24.32(225C) through 441—24.39(225C).

ITEM 3. Amend rule 441—24.24(225C) as follows:

441—24.24(225C) Standards for crisis response staff. All crisis response staff shall meet the qualifications described in this rule. Additional staff requirements are described in each service.

24.24(1) No change.

24.24(2) Performance indicators.

a. One or more of the following qualifications are met:

- (1) No change.
- (2) A bachelor's degree with 30 semester hours or equivalent in a human services field (including, but not limited to, psychology, social work, ~~mental health counseling, marriage and family therapy,~~ nursing, education) and at least a minimum of one year of experience in behavioral or mental health services.
- (3) A law enforcement officer ~~trained in crisis intervention including, but not limited to, mental health first aid and mental health in-service training~~ with a minimum of two years of experience in the law enforcement officer's field.
- (4) An emergency medical technician (EMT) ~~trained in crisis intervention including, but not limited to, mental health first aid~~ with a minimum of two years of experience in the EMT's field.
- (5) A peer support specialist with a minimum ~~certification of mental health first aid~~ of one year of experience in behavioral or mental health services.
- (6) A family support peer specialist with a minimum ~~certification of mental health first aid~~ of one year of experience in behavioral or mental health services.
- (7) A registered nurse with ~~two years~~ a minimum of one year of mental or experience in behavioral or mental health experience services.
- (8) A bachelor's degree in a non-human services-related field, associate's degree, or high school diploma (or equivalency) with a minimum of two years of experience in behavioral or mental health services, and 30 hours of crisis and mental health in-service training (in addition to the required 30 hours of department-approved training).

b. No change.